

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. BRODHEIM,

Plaintiff, No. CIV S-02-0573 FCD EFB P

vs.

MICHAEL CRY, et al.,

Defendants. ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On July 20, 2007, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Plaintiff filed objections to the findings and recommendations on September 10, 2007. Defendants filed a reply to plaintiff's objections on September 20, 2007.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and

1 by proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed July 20, 2007, are adopted in full;

4 2. Plaintiff's April 21, 2006, motion for partial summary judgment is denied;

5 3. Defendants' June 13, 2006, motion for summary judgment is granted;

6 4. Plaintiff's pendent state court claim is dismissed;

7 5. Defendants' October 17, 2006, amended motion for summary judgment is

8 denied as untimely filed;

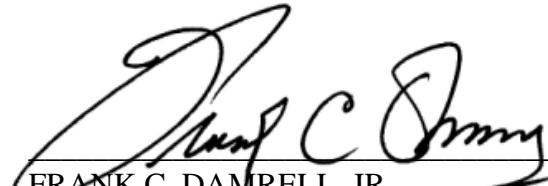
9 6. Summary judgment is entered for defendants Cry, Ramirez-Palmer, and

10 Valadez for failure to state a claim upon which relief may be granted and on the basis of *res*

11 *judicata*; and

12 7. This action is dismissed.

13 DATED: September 24, 2007.

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16 FRANK C. DAMRELL, JR.  
17 UNITED STATES DISTRICT JUDGE  
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